

**B) REMARKS:****1. Introduction**

Claims 1-16, 18 and 19 are currently pending in this application. Claims 1, 18 and 19 are independent. Claim 17 has been canceled herein without prejudice. Certain amendments to claims 1, 2, 4, 6-13, 15, 16, 18 and 19 have been entered herein in response to the Examiner's rejections, as detailed hereinbelow.

Other amendments to the pending claims have also been made to clarify the scope of that which the Applicants regard as his invention, and are not meant to limit the scope of such claims as existed prior to such amendments or limit the applicability of any equivalents thereto.

No new subject matter has been added to this application by these amendments.

**2. Objection to the Drawings**

In paragraph 1 of the Office Action, the Examiner has required correction to the drawings that illustrate the subject matter set forth previously in claim 8. Claim 8 has been amended herein, and consequently, the question of whether the drawings properly illustrated the original subject matter of claim 8 is moot.

For sake of completeness, the Applicant respectfully reminds the Examiner of the complete requirement of 37 C.F.R. §1.83 (a): "The drawing in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation..."

Claim 8 currently recites: "first and second brackets having a first bushing for securing the first geared shaft and a second bushing for securing the second geared shaft." Support for this recitation is found, for example, in the drawings and Specification as follows:

(a) "first and second brackets" - elements 21 and 22 of FIGS. 3, 4, and 5 and paragraphs 0019-0021 of the Specification;

(b) "a first bushing for securing the first geared shaft" - elements 25 and 32 of FIGS. 3-5 and paragraphs 0007, 0021, and 0023 of the Specification; and

(c) "a second bushing for securing the second geared shaft" - elements 29 and 33 of FIGS. 3-5 and paragraphs 0019-0023 of the Specification.

The Applicant further respectfully reminds the Examiner of the provisions of MPEP §608.01(l) which states in relevant part: "In establishing a disclosure, applicant may rely not only on the description and drawing as filed but also on the original claims if their content justifies it." Also, MPEP §608.01(o) states: "The meaning of every term used in any of the claims should be apparent from the descriptive portion of the specification with clear disclosure as to its import..." The Applicant asserts that the general terms "first geared shaft" and "second geared shaft" will be readily understood by one of ordinary skill in the art to refer to the front and rear geared shafts recited throughout the disclosure. Likewise, the recitations of first and second brackets will be readily understood by one of ordinary skill in the art to refer to the left and right bushing described throughout the Specification. The recitation of "front," "rear," "left" and "right" in the claims would unduly limit the scope of that which Applicant regards as his invention. Nonetheless, the application readily believes that the claims conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims do find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description, as required by 37 C.F.R. 1.75(d)(1).

The recited brackets and geared shafts are conventional elements and Applicant asserts that further illustration is not essential for a proper understanding of the invention since they are already represented by graphical symbols and/or labeled representations in the drawings and described in detail in the Specification. Therefore no revisions to the drawings are believed to be necessary. Reconsideration and withdrawal of this objection to the drawings is therefore respectfully requested.

### **3. Objections to the Specification**

In paragraph 2 of the Office Action, the Examiner has objected to the Specification as failing to provide proper antecedent basis for "first and second gears" as recited previously in

claims 1, 18 and 19, "securing screw" as set forth in claim 4, the subject matter of claim 8, and the "method" language used in claim 19. Applicant strenuously disagrees that there is no sufficient description of the subject matter recited previously in these claims, however, the Examiner's objections will be referenced with regard to the recitations in the claims as amended herein.

Claims 1, 18, 19 now recite first and second "geared shafts" in place of a "gear." This comports with the descriptions found, *inter alia*, in paragraphs 0007, 0020-0023, and 0028 and the illustrations of elements 25 and 29, respectively, in FIGS 3-5.

Claim 4 now recites a "screw" in place of a "securing screw" which comports with element 15 of FIGS. 1 and 2 and the corresponding description at paragraph 0016 of the Specification.

The subject matter of claim 8 is supported by the Specification and drawings as stated in the immediately preceding section of this response, and the Applicant renews such arguments here.

Finally, there is adequate language in the Specification for supporting the method language of claim 19. The Applicant respectfully directs the Examiner's attention to paragraphs 0007 and 0023 in their entirety. Applicant does not believe that a requirement of a flowchart-type drawing showing these two simple process steps would aid any further in understanding of the disclosure, since the current descriptions in the Specification readily support the method language and will be readily understood by one of ordinary skill in the art.

#### **4. Rejection of Claims under 35 U.S.C. §112**

In paragraph 3 of the Office Action, the Examiner has rejected claims 9, 12 and 13 under 35 U.S.C. §112, first paragraph, as "containing subject matter which was not described in the Specification...." The Applicant respectfully disagrees.

The recitation of a friction bushing in claims 9, 12 and 13 is readily supported by illustration of elements 32 and 33 in FIGS. 3-5, and as described throughout the Specification, and in detail at paragraphs 0007 and 0021. Applicant respectfully asserts that one of ordinary skill in the art will readily understand the purpose and meaning of the term friction bushing, as a

common bushing that provides some friction against the rotation of the geared shaft. A search of issued patents since 1976 reveals at least 383 patents describing some form of friction bushing. Thus, its meaning is well known in the art. The Examiner himself demonstrates comprehension in, for example, paragraph 5 of the Office Action, wherein he states that the bushings of the Kumarasurier "would provide some 'friction.'" Thus, reconsideration and withdrawal of this rejection of claims 9, 12 and 13 is respectfully requested.

The Examiner further asserts that the friction of the being adjustable, as recited in claim 13, is not taught by the Specification. The Applicant respectfully disagrees and respectfully directs the Examiner's attention to, *inter alia*, the last full sentence of paragraph 00021 of the Specification. Accordingly, reconsideration and withdrawal of this rejection of claim 13 is respectfully requested

##### 5. Rejection of Claims under 35 U.S.C. §102(b)

In paragraphs 4-7 of the Office Action, the Examiner has rejected the following claims under 35 U.S.C. §102(b); Claims 1, 2, 5-9, 12, 13 and 16-19 in view of U.S. Patent No. 5,444,877 to Kumarasurier (referred to herein as 'Kumarasurier'); Claims 1, 2, 5, 6, and 12-19 in view of U.S. Patent No. 2,705,330 to Knudsen; and Claims 1, 2, 7-9 and 12-19 in view of U.S. Patent No. 2,042,276 to Revers.

These rejection have each been overcome by the following amendments entered to the Applicant's independent claims 1, 18 and 19 herein, in which variations of the following recitations have been entered:

- (a) "a first bracket and a second bracket for placement between a tank and a rear edge of a bowl of the toilet, the first bracket disposed toward a left side of the bowl and the second bracket disposed toward a right side of the bowl, the first bracket and the second bracket for securing a plurality of geared shafts to the toilet;"
- (b) "a first geared shaft, for placement between the first and second brackets closer to the tank...;"
- (c) "a second geared shaft, for placement between the first and second brackets closer to the bowl."

Support for these recitations can be found, *inter alia*, in the Applicant's Specification at:

- a) elements 21 and 22 of FIGS. 3-5 and paragraphs 0019-0021 of the Specification;
- b) element 25 of FIGS. 3-5 and paragraphs 0019-0023 inclusive.
- c) element 29 of FIGS. 3-5 and paragraphs 0019-0023 inclusive.

This functionality is neither taught nor suggested by any of the prior art of record, or by any combination of the teachings of the same. None of the Kumarsurier, Knudsen or Revers references teach the use of two separate geared shafts as recited by the Applicant. Instead, each teach use of two individual gears that are generally disposed on the side of a toilet. Applicant's Specification readily distinguishes these prior teachings at, *inter alia*, paragraph 0019 thereof. The use of geared shafts contributes to the durability of the Applicant's design, as referenced in paragraph 0009 of the Specification.

Therefore, reconsideration and withdrawal of these rejections of claims 1, 18 and 19 for at least the reasons above are respectfully requested. Reconsideration and withdrawal of the rejection of each remaining dependent claim is likewise respectfully requested based on their ultimate dependency of one the independent claims.

#### **6. Rejection of claims under 35 U.S.C. §103(a)**

In paragraphs 8-11 of the Office Action, the Examiner has rejected the following claims under 35 U.S.C. §103(a): Claims 3 and 4 as unpatentable over Kumarsurier in view of U.S. Patent No. 1,863,682 to Alberts, or over Knudsen in view of Alberts; Claims 10 and 11 in view of Kuramasurier, Knudsen or Revers.

These rejection have each been overcome by the following amendments entered to the Applicant's independent claims 1, 18 and 19 herein, in which variations of the following recitations have been entered:

(a) "a first bracket and a second bracket for placement between a tank and a rear edge of a bowl of the toilet, the first bracket disposed toward a left side of the bowl and the second

bracket disposed toward a right side of the bowl, the first bracket and the second bracket for securing a plurality of geared shafts to the toilet;"

- (b) "a first geared shaft, for placement between the first and second brackets closer to the tank...;"
- (c) "a second geared shaft, for placement between the first and second brackets closer to the bowl."

Support for these recitations can be found, *inter alia*, in the Applicant's Specification at:

- a) elements 21 and 22 of FIGS. 3-5 and paragraphs 0019-0021 of the Specification;
- b) element 25 of FIGS. 3-5 and paragraphs 0019-0023 inclusive.
- c) element 29 of FIGS. 3-5 and paragraphs 0019-0023 inclusive.

This functionality is neither taught nor suggested by any of the prior art of record, or by any combination of the teachings of the same. None of the Kumarsurier, Knudsen, Alberts or Revers references, alone or in combination, teach or suggest the use of two separate geared shafts as recited by the Applicant. Instead, each teach use of two individual gears that are generally disposed on the side of a toilet. Applicant's Specification readily distinguishes these prior teachings at, *inter alia*, paragraph 0019 thereof. The use of geared shafts contributes to the durability of the Applicant's design, as referenced in paragraph 0009 of the Specification.

Therefore, reconsideration and withdrawal of these rejections of claims 3, 4, 10 and 11, is likewise respectfully requested based on their ultimate dependency of one the above independent claims.

#### **6. Conclusion**

This amendment is responsive to each issue raised in the Office Action dated June 2, 2004. All objections to the drawings and specification, as well as rejections of pending claims 1-16, 18 and 19, have been overcome above. The Applicant therefore respectfully requests allowance of each of the pending claims as presented herein, and issuance of the present application.

Please note that a CHANGE OF CORRESPONDENCE ADDRESS has been filed with this Response. Please direct all correspondence to the address corresponding to Customer No. 000041461 (12 Homewood Lane, Darien, CT 06820-6109) as stated therein.

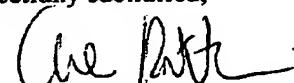
The Examiner is invited to contact the undersigned attorney by telephone if it will advance the prosecution of this application.

In the event that a further extension of time is required in addition to that requested previously herein, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time, or credit any overpayment, to the below-signed practitioner's deposit account number: 502396.

Dated: September 1, 2004

Respectfully submitted,

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